

HOUSE BILL REPORT

HB 1113

As Passed House:
February 22, 2013

Title: An act relating to standards for the use of science to support public policy.

Brief Description: Concerning standards for the use of science to support public policy.

Sponsors: Representatives Short, Upthegrove, Springer, Pollet, Taylor, Smith, Fagan, Dahlquist and Fey.

Brief History:

Committee Activity:

Environment: 1/22/13, 1/29/13 [DP].

Floor Activity:

Passed House: 2/22/13, 96-0.

Brief Summary of Bill

- Requires the Department of Ecology to identify the peer-reviewed science, scientific literature, and other sources of information being relied upon before taking significant agency action related to certain agency programs.

HOUSE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass. Signed by 13 members: Representatives Upthegrove, Chair; McCoy, Vice Chair; Short, Ranking Minority Member; Pike, Assistant Ranking Minority Member; Crouse, Farrell, Fey, Kagi, Liias, Morris, Nealey, Overstreet and Tharinger.

Staff: Jacob Lipson (786-7196).

Background:

The Department of Ecology (DOE) is divided into 10 environmental management programs, each covering a different subject area: air quality; environmental assessment; hazardous waste and toxics reduction; nuclear waste; shorelands and environmental assistance; spill prevention, preparedness, and response; toxics cleanup; waste to resources; water quality; and water resources.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Within the Shorelands and Environmental Assistance Program are programs targeted to coastal zone management, federal permitting, floods and floodplain management, ocean resources, the Office of Regulatory Assistance, the Padilla Bay National Estuarine Research Reserve, shoreline management, the State Environmental Policy Act, the Washington Conservation Corps, watersheds, and wetlands.

Within the Water Quality Program are programs targeted to aquatic plants and lakes, the administration of water quality grants and loans, ground and surface water quality, non-point pollution, permitting of point source pollution, Puget Sound water quality, stormwater, wastewater treatment, and water quality assessment and Total Maximum Daily Load measurement.

The state Administrative Procedure Act (chapter 34.05 RCW) establishes the rule-making process for state agencies and also outlines the procedural requirements for appealing an agency action. The state Public Records Act (chapter 42.56 RCW) establishes requirements for agency maintenance of public records, and for the provision of those records for public inspection. Public records invoked by an agency must be indexed and made available to the public.

Summary of Bill:

Before taking a significant agency action within its Water Quality or Shorelands and Environmental Assistance programs, the Department of Ecology (DOE) must identify peer-reviewed science, scientific literature, and other sources relied upon for the significant agency action. On its website, the DOE must also provide the index, required by the Public Records Act, of public records invoked or relied upon in support of a proposed significant agency action.

The term "significant agency action" is defined as an act of the DOE that: (1) adopts, under delegated legislative authority, substantive requirements with penalties for noncompliance; (2) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; (3) results in significant amendments to an existing policy or program; or (4) results in the development of technical guidance, assessments, or documents used to implement a state rule or statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Department of Ecology (DOE) is striving not only to rely on good science, but to ensure the quality of its data measurement and the effectiveness of other agency activities. Peer-reviewed science is an important component of agency decision-making, but

is not the only valid source of information. This bill is not just about good science, but about good government and open government. This bill would improve the DOE's transparency of decision-making in the two affected programs, and will improve public understanding of the DOE's decisions. The DOE strives to communicate the meaning of the science it uses in a way understandable to the public. Establishing a standardized method for the government to report its use of scientific information is helpful because it provides certainty for the regulated business community.

(Opposed) None.

Persons Testifying: Representative Short, prime sponsor; Rob Duff, Department of Ecology; Jerry Smedes, Northwest Environmental Business Council; John Stuhlmiller, Washington Farm Bureau; Brandon Housekeeper, Association of Washington Business; and Jennifer Joly, Pierce County.

Persons Signed In To Testify But Not Testifying: None.